IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7253 OF 2007

Sampati Dinkar Jagdale .... Petitioner

versus

Shridhar Gulab Jagdale & anr..... Respondent.

Mr. S.M.Sabrad i/b Rahul S.Kate for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 10TH OCTOBER, 2007

P.C.;

1. After the plaintiff's evidence was closed, the defendant and his witness was examined. They have also closed their evidence and the case is now fixed for final argument. At such a belated stage, the plaintiff moved an application contending that he wants to examine one more witness and the rejection of the said prayer has given rise to the filing of this petition. The trial court has found no justification for not examining the witness before closure of the evidence by the plaintiff. Be it as it may, as the suit is now fixed for final argument I decline to interfere with the interlocatory order at this stage. Writ Petition is thus summarily dismissed. However all the questions raised in the petition are left open to be agitated by the petitioner in an appeal if and in case the suit of the plaintiff is dismissed.

. . . .